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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,285	02/01/2001	Kimberlee A. Kemble	6169-149	8255

7590 09/17/2003

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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 09/17/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,285

Applicant(s)

KEMBLE ET AL.

Examiner

Sindya Narayanaswamy

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 - 20 are presented for examination.
2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 and 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Regarding claim 1,
line 6, there is insufficient antecedent basis for "said presentation."
- b. Regarding claim 13,
line 8, there is insufficient antecedent basis for "said presentation."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 6 and 9-18 are rejected under 35 USC 102(b) as being anticipated by Gould et al ("Gould"), US-6,088,671.

6. As per claim 1, Gould teaches a method for presenting database query results through an audio user interface (AUI), comprising: initiating a database query operation (*command*), the operation retrieving a plurality of database query result items from at least one database (*retrieve matches from templates*); and, presenting each query result item through the AUI as each query result item is found in at least one database, the presentation occurring concurrently with the database query operation (col. 4, lines 59-col. 5, line 2, Fig. 8a; col. 6, lines 47-52).

7. As per claim 2, Gould teaches the method further comprising: detecting a speech response through the AUI during the presentation, the speech response selecting the query result item presented through the AUI; and, responsive to the detection, terminating the database query operation (*CPU is finished and text is removed*) (col. 6, lines 35-46).

8. As per claim 3, Gould teaches the method further comprising: detecting a command during the presentation to terminate the database query operation; and, responsive to the

Art Unit: 2174

detection, terminating the database query operation (*CPU terminates upon speech (command) being recognized*) (col. 6, lines 24-26).

9. As per claim 4, Gould teaches the method wherein the command is a speech command (col. 6, lines 18-24).

10. As per claim 5, Gould teaches the method further comprising: inserting each result item in a data structure as each query result item is found (col. 7, lines 43-52).

11. As per claim 6, Gould teaches the method wherein the presenting step comprises: presenting each query result item contained in the data structure independently but concurrently with a database query operation (*partial listing shows how recognition is proceeding*) (col. 7, lines 43-52).

12. As per claim 9, Gould teaches a method for presenting database query results through an audio user interface (AUI) comprising:

a database manager for managing a database query operation on at least one database, the database query operation producing database query result items; and,

a dialog manager for managing the presentation of said database query result items through the AUI concurrently with said database query operation (col. 2, lines 50-64).

13. As per claim 10, Gould teaches a system wherein the AUI comprises:

a text-to-speech processor for converting the database query result items into audible speech; and,

a speech recognition engine for converting speech input into text recognizable by the dialog manager (Fig. 2, 38; col. 4, lines 12-15).

14. As per claim 11, Gould teaches the system wherein the AUI further comprises: a barge-in facility (*when command is determined, partial listing is terminated and command is executed*) (col. 6, lines 30-36).

15. As per claim 12, Gould teaches the system wherein a queue for storing database query result items from the database query operation; and, a queue manager for managing the insertion and removal of database query items to and from the queue (col. 6, lines 38-41).

16. As per claims 13-18 they are the machine-readable storage claims of claims 1-~~10~~, and are thus rejected under the same rationale. 44

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 8 and 20 are rejected under 35 USC 103(a) over Gould et al ("Gould"), US-6,088,671 in view of Bruce et al, US-6,539,080.

19. As per claims 8 and 20, Gould discloses claims 1 and 13 but does not explicitly teach the method or machine-readable storage wherein the AUI is a telephony interface. However, Bruce et al teach the method and machine-readable storage wherein the AUI is a telephony interface (*telephone call is placed*) (Abstract, lines 3-19) (*Merriam-Webster's dictionary defines a telephony interface as the use or operation of an apparatus for transmission of sounds between widely removed points with or without connecting wires*). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Gould with Bruce et al's step of incorporating a telephony interface into an AUI speech and voice recognition system in order to create a system where information can be transmitted from two geographically removed points.

20. Claims 7 and 19 are rejected under 35 USC 103(a) over Gould et al ("Gould"), US-6,088,671.

21. As per claims 7 and 19, Gould teaches the invention substantially as claimed including the method and the machine-readable storage wherein the data structure is selected from the group consisting of a list (col. 7, lines 43-52). Gould does not teach the method wherein the data structure is a stack, or a database. However Official Notice is taken that databases and stacks are

Art Unit: 2174

very well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the possibility of using a stack or database data structure in order to provide a variety of storage possibilities based on need.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. US 6,492,999 – Fado et al. – AUI Devices.
- b. US 5,121,470 – Trauman – AUI Interaction Device.
- c. US-5,287,102 – McKiel, Jr. – AUI for handicapped.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

August 28, 2003

Kristine Kincaid
KRISTINE KINCAID
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